

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

JAMES HOLBERT,

Defendant..

8:16CR358

ORDER

This matter is before the court on defendant's Unopposed Motion to Continue Trial [21]. Counsel is seeking additional time to receive and review the rest of the discovery and to discuss trial and possible plea negotiations. Defendant has complied with NECrimR 12.1(a). For good cause shown,

IT IS ORDERED that the Unopposed Motion to Continue Trial [21] is granted as follows:

1. The jury trial, now set for February 28, 2017 is continued to **April 11, 2017**.
2. The defendant has filed the affidavit required by paragraph 9 of the progression order and NE.CrimR 12.1(a) forthwith.
3. In accordance with 18 U.S.C. § 3161(h)(7)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **today's date and April 11, 2017**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. Failure to grant a continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

DATED February 24, 2017.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge